IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.669 OF 2005

Bhushan B. Barve & anr. Appellants

Vs.

Brihan Mumbai Mahanagar Palika
& anr. Respondents

Mr.S.S.Patwardhan for appellants.
Ms.Geeta Joglekar for BMC.

CORAM: B.H.MARLAPALLE,J.
July 08, 2005.

ORAL ORDER:

1. Heard Mr.Patwardhan, the learned counsel for the appellants. This appeal arises from the order dated 28-5-2005 passed by the learned Judge of the City Civil Court at Mumbai in L.C.Suit under Stamp No.2432 of 2005 declining the ad-interim relief in the notice of motion. The reasoning given by the Court below by considering the order passed by the Assistant Commissioner, Brihan Mumbai Mahanagar Palika dated 5-5-2005 cannot be termed as erroneous so as to cause interference at this stage.

2. It appears that the suit structure is located purportedly in an open space at Shri Sai Niketan Co-operative Housing Society Ltd. and similar order came to be passed in respect of the adjacent

structure occupied by Mr.Mangesh Sripad Sanjgiri who has filed L.C. Suit under Stamp No.2428 of 2005. It would be appropriate for the trial Court to combine both the suits i.e. L.C. Suit under Stamp No.2428 of 2005 and L.C. Suit under Stamp No.2432 of 2005 and decide the notices of motion by common judgment, in case they are still pending.

3. Save and except the above observations, the appeal stands dismissed.

(B.H.MARLAPALLE,J.)